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#### REMARKS/ARGUMENTS

In the Office Action dated June 25, 2004, Claims 1-5 are pending, of which only Claim 1 is independent. Claims 1-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-5 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,104,235 to Bronstrup, et al. and U.S. Patent No. 2,845,214 to Finke.

Claims 1-5 are amended above, and Applicant respectfully submits that the amendments address each of the rejections set forth under 35 U.S.C. § 112, second paragraph. In particular, Claim 1 has been amended to recite that "the valve comprises an elongate and through-bored body of flexible material," the word "body" previously being inadvertently omitted. Such through-bored body of the valve is described in the application on page 3, line 21. Applicant believes that this amendment fully addresses the concern expressed by the Examiner regarding Claim 1, lines 4-5. Furthermore, to avoid any misunderstanding between the word "body" when referring to the package and the word "body" when referring to the valve, Applicant has amended the claims to consistently refer to the body of the valve as the "elongate and through-bored body." With regard to the Examiner's comment regarding the fixing of "the 'body' of the package" and the through-bore, the insertion of the word "body" clarifies that the elongate and through-bored body (i.e., of the valve) is fixed to the through-bore.

In addition, the term "the second end portion of the body" in line 6 of Claim 1 has been amended to "a second end portion of the body" to resolve the cited lack of antecedence. Claim 2 has been amended to more clearly refer to the "elongate and through-bored flexible body." In Claim 3, the term "the internal portion of the bore" has been to "an internal portion of the bore" to resolve the cited lack of antecedence. It is submitted that the insertion of the word "body" in Claim 1 also resolves the Examiner's concern regarding the fixing of the body to the bore. Further, regarding the Examiner's uncertainty of whether the fixation regions recited in Claim 3 are the same as the "first and second end portions," Applicant notes that these are distinct elements. In particular, the "first and second opposed fixation regions" recited in Claim 3 are the lateral end regions of the through-bore as described in page 3, line 23 of the specification. On the other hand, the "first and second end portions" recited in Claim 1 are the extremity regions of the elongate and through-bored body, as described in page 3, lines 22, 33 and 34 of the

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specification. Regarding Claim 4, Applicant submits that the term "the internal portion of the bore" does not lack antecedent basis, since the term is introduced in Claim 3, upon which Claim 4 depends. Regarding Claim 5, Applicant has replaced the term "the cavity" with the term "a cavity" in order to resolve the lack of antecedence. On the other hand, the term "the first region inside the cavity" does not lack antecedent basis, since the term "the first region" is introduced in Claim 3.

Turning now to the rejections of Claims 1-5 as being unpatentable over Bronstrup, et al. and Finke, Applicant respectfully submits that the claims as amended are not obvious over the cited references, either alone or in combination. In particular, Claim 1 as amended recites a package comprising a "product-holding body" defining a through-bore, a "grip region," and a "flow controlling and interrupting valve" that comprises "an elongate and through-bored body of flexible material." The elongate and through-bored body of the valve is foldable so that the valve can be closed. In particular, an end portion of the elongate and through-bored body can be folded into the bore of the product-holding body. Further, "the valve is positioned opposite the product-holding body from the grip region," e.g., as illustrated in Figure 8. The significance of this feature for using the weight of the product in the package to maintain the valve in a closed configuration is further described in the specification of the patent application. For example, as stated at page 4, lines 8-10, "the weight of the packed product crushes both stretches of the tube 8, thus contributing to obstruct the passage completely."

On the other hand, Bronstrup, et al. discloses a package with an internal valve but does not disclose a particular structure of the valve. Presumably, the valve works only in the filling of the package, not when the package is emptied. Indeed, Bronstrup, et al. does not teach that the valve can be used for pouring the material contained inside the package. Instead, the package has an external pouring device, which contains in its upper side a closure or flap (as illustrated in Figure 2). The function of this device (referred to as an "oftake device") is to pour the packed material, and its constructive and functional features are very distinct in comparison with the features of the package recited in Claim 1 of the above-mentioned patent application. As noted in the Office Action, "Bronstrup et al. does not show the valve being an elongate body foldable into a cavity."

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In this regard, the Office Action refers to Finke. Finke discloses a package made of a flexible material that comprises a valve in its top. This valve is made by folding sheets of flexible material that are fixed with adhesives strips. As a result, in the top of the package, a tube that is used in the filling and emptying of the package is provided. The package does not define a grip portion, and therefore, the valve is not positioned opposite the body of the package from the grip region as set forth in Claim 1.

Thus, Applicant respectfully submits that Claim 1 is now allowable over the cited references, and therefore each of the dependent Claims 2-6 are also allowable for the same reasons.

Further, newly added Claim 6, which is dependent on Claim 1, additionally recites that the second end portion of the elongate and through-bored body is configured to be folded into a cavity defined between the valve and the product-holding body. With the valve so folded, the product in the product-holding body closes the valve when the package is lifted by the grip region. That is, the weight of the product tends to crush or close the valve. Neither of the cited references discloses this additional feature, and Claim 6 is also patentable thereover for at least this reason.

For the foregoing reasons, Applicant submits that Claims 1-6 are allowable over the cited references.

\* \* \* \*

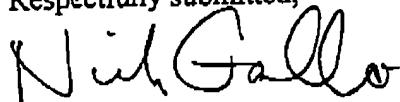
### CONCLUSIONS

In view of the remarks presented above, Applicant submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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Nicholas F. Gallo

October 25, 2004

Date

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